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PTO/SB/84 (07-06)

Approved for use through 09/30/2006, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>		Docket Number (Optional) <b>HE-0210</b>
<p>First named inventor: <b>Terry L. Cooke</b></p> <p>Application No.: <b>10/724,244</b> Art Unit: <b>2839</b></p> <p>Filed: <b>November 26, 2003</b> Examiner: <b>LE, T.</b></p> <p>Title: <b>PRETERMINATED FIBER OPTIC DISTRIBUTION CABLE</b></p>		
<p>Attention: Office of Petitions  <b>Mail Stop Petition</b>          Commissioner for Patents          P.O. Box 1450          Alexandria, VA 22313-1450          FAX (571) 273-8300</p>		
<p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p>		
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.</p>		
<p><b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b></p>		
<p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</li> <li>(4) Statement that the entire delay was unintentional.</li> </ol>		
<p>1. Petition fee</p> <p><input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Other than small entity - fee \$ <b>\$1,500.00</b> (37 CFR 1.17(m))</p>		
<p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of <u><b>Amendment to the specification</b></u> (identify type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee and publication fee (if applicable) of \$ _____</p> <p><input checked="" type="checkbox"/> has been paid previously on <u><b>September 4, 2005</b></u></p> <p><input type="checkbox"/> is enclosed herewith.</p>		

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/64 (07-06)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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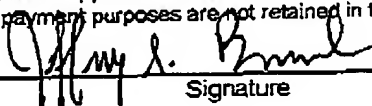
## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

September 6, 2006

Date

Jeffrey S. Bernard

Typed or printed name

50,020

Registration Number, if applicable

Coming Cable Systems LLC

Address

(828) 901-5032

Telephone Number

P. O. Box 489, Hickory, NC 28603-0489

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: Amendments to the specification

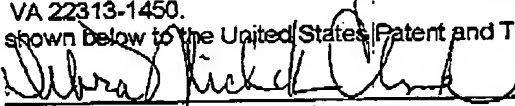
## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

September 6, 2006

Date



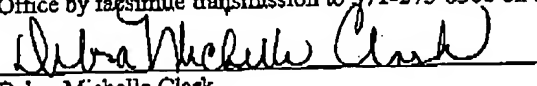
Signature


Debra Michelle Clark

Typed or printed name of person signing certificate

## CERTIFICATE OF FACSIMILE UNDER 37 CFR § 1.8

I hereby certify that this correspondence, and any attachment thereto, is being transmitted to the United States Patent Office by facsimile transmission to 571-273-8300 on the date indicated below.

  
Debra Michelle Clark

  
Date of Signature

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: COOKE et al.

Serial No.: 10/724,244

Filing Date: November 26, 2003

Title: PRETERMINATED FIBER OPTIC  
DISTRIBUTION CABLE

Group Art Unit: 2839

Examiner: LE, T.

VIA FACSIMILE: 571-273-8300

Examiner: Thanh-Tam T. Le

Pages: 5

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO REVIVE UNINTENTIONALLY ABANDONED  
APPLICATION PURSUANT TO 37 C.F.R. § 1.137(b)

Dear Sir:

Pursuant to 37 C.F.R. §1.137(b), and in response to the Notice of Abandonment mailed January 4, 2006, Applicants hereby petition the Commissioner to revive the above-identified patent application. The application became abandoned for failure to respond within thirty (30) days to a notice of inconsistency between the drawings and the brief description of the drawings in the specification.

This petition is accompanied by:

- (1) The reply required to the outstanding Office Action or notice;
- (2) The \$1500 petition fee as set forth in §1.17(m);

**BEST AVAILABLE COPY**COOKE et al.  
10/724,244  
Page 5**REMARKS**

Pursuant to a teleconference with the Examiner, Applicants have submitted the above amendments to the specification for entry on the record. Applicants submit that the proposed amendments, together with the entry of corrected FIG. 7, will place the application in condition for immediate allowance and respectfully request the Examiner to forthwith issue a Supplemental Notice of Allowability for the pending claims.

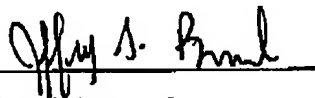
The entire delay in filing the required reply (i.e., failure to timely respond) from the due date of the reply (i.e., February 4, 2006) until the filing of a grantable petition was unintentional. Authorization is hereby given to charge the petition fee of \$1500 set forth in 37 C.F.R. §1.17(m) to Deposit Account No. 19-2167. If there are any other fees due in connection with this filing not accounted for, the Commissioner is further authorized to charge those fees to Deposit Account No. 19-2167.

Applicants note that a Response to Notice of Abandonment was faxed on April 13, 2006 in response to the outstanding notice. A copy of the Response and fax transmittal is attached.

**CONCLUSION**

Applicants submit that all of the requirements of 37 C.F.R. §1.137(b) to revive this unintentionally abandoned application have been complied with and, thus, respectfully request the Commissioner to grant this Petition and issue this application.

Respectfully submitted,



Jeffrey S. Bernard  
Attorney for Applicants  
Registration No. 50,020  
P. O. Box 489  
Hickory, N. C. 28603  
Telephone: 828/901-5032  
Facsimile: 828/901-5206

**Dated: September 6, 2006**

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Page 2

- (3) The statement required under 37 C.F.R. §1.137(b)(3) that the entire delay in filing the required reply (i.e., failure to timely respond) from the due date of the reply (i.e., February 4, 2006) until the filing of a grantable petition was unintentional; and
- (4) Because the application was filed after June 8, 1995, this petition is not accompanied by any terminal disclaimer and fee required under 37 C.F.R. §1.137(d).

Examiner stated in the Notice of Drawing Inconsistency with Specification that "Figure 6c is contained in the drawings but not listed in the brief description of the drawings in the specification." In response to the Notice of Abandonment mailed April 10, 2006, a teleconference with Examiner Le conducted on April 13, 2006, and a teleconference with Examiner Le conducted on September 6, 2006, Applicants submit the following amendments to the specification to place the application in condition for immediate allowance.

## BEST AVAILABLE COPY

COOKE et al.  
10/724,244  
Page 3**Amendments to the specification:**

Pursuant to 37 C.F.R. §1.121(b) and the revised amendment practice effective July 30, 2003, please make the following amendments to the specification.

*Please substitute the following replacement paragraph for original paragraph [0022], the full text of which is reprinted below with markings to show all of the changes relative to the previous version:*

[0022] FIG. 6b is an enlarged cross-sectional view of the preterminated distribution cable of FIG. 5 taken through an optical fiber guide channel of a C-shaped molded member; and

*Please insert the following new paragraph immediately after replacement paragraph [0022] and before original paragraph [0023]:*

[0022A] FIG. 6c is an enlarged cross-sectional view of an alternative embodiment of the preterminated distribution cable of FIG. 5 taken through the optical fiber guide channel; and

*Please insert the following new paragraph immediately after original paragraph [0048] and original paragraph [0049]:*

[0048A] Referring to FIG. 6c, an enlarged cross-sectional view of an alternative embodiment of the assembled preterminated distribution cable is shown taken through the optical fiber guide channel 62. The exemplary cable shown in FIG. 6c is a 72 fiber central tube optical fiber ribbon cable comprising a stack of five optical fiber ribbons encased within a single tube (i.e. monotube) 72 with each buffer optical fiber ribbon comprising twelve optical fibers 34. Four optical fibers 34 from an appropriate optical fiber ribbon have been preterminated and are shown residing within 900  $\mu$ m protective tubes 54 in one row of four individual fibers within the optical fiber guide channel 62. The remaining optical fibers 34 within the tube 72 that have not been preterminated continue through the distribution cable, potentially being preterminated at another

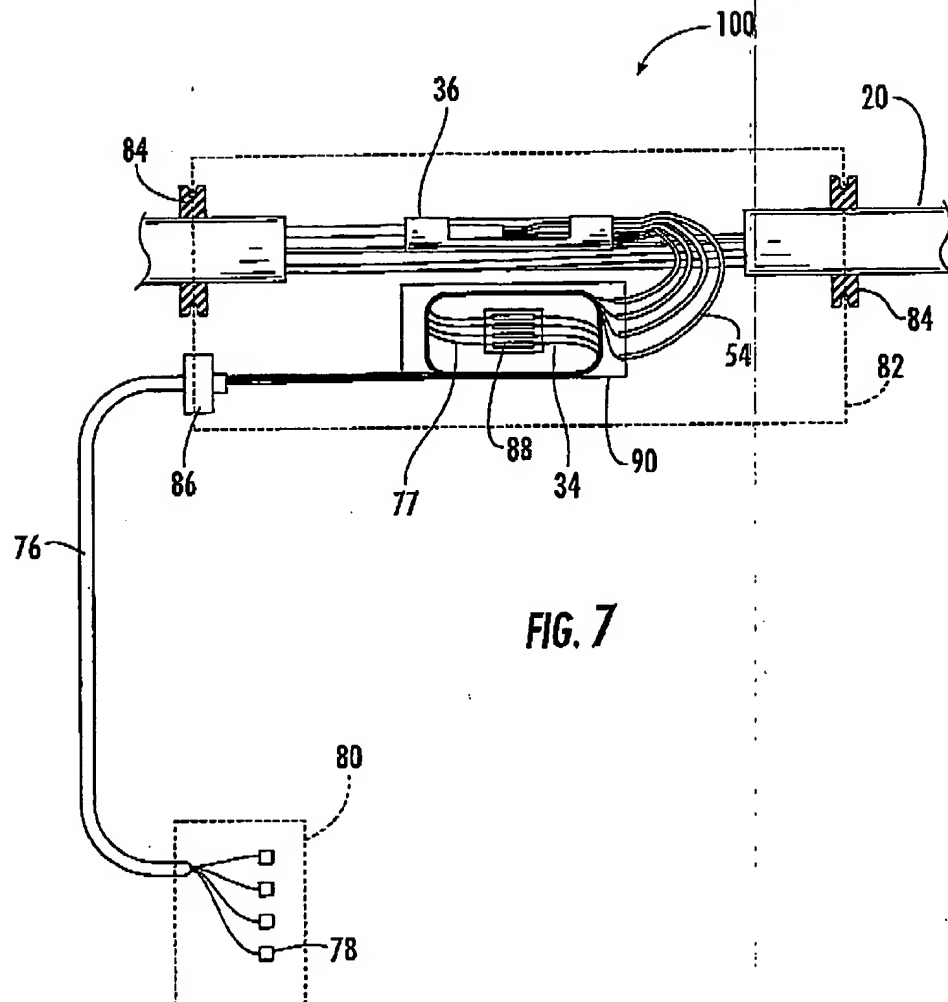
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10/724,244  
Page 4

access location further downstream. The central strength member 68 of the previous embodiment is replaced by a pair of diametrically opposed strength members 74. The fiber guide channel 62, the ripcords 66 and the remaining components of the assembly are essentially as previously described.

PRETERMINATED FIBER OPTIC  
DISTRIBUTION CABLE  
Cooke et al.  
DOCKET NO. HE0210  
Page 8 of 8

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P. 9/15

\* \* \* COM I CATION RESULT REPORT ( APR. 13. 2

4:33PM ) \* \* \*

FAX HEADER: CCS LEGAL

TRANSMITTED/STORED : APR. 13. 2006 4:32PM  
FILE MODE OPTION

ADDRESS

RESULT

PAGE

534 MEMORY TX

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OK

4/4

REASON FOR ERROR OR LINE FAIL  
E-1) HANG UP OR NO ANSWER

E-2) BUSY NO FACSIMILE CONNECTION

## CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.115

I hereby certify this correspondence, and any attachment thereto, is being transmitted to Group Art Unit 2839 of the United States Patent and Trademark Office, to the attention of Examiner Thanh-Tam T. Le, by facsimile transmission to 571-273-2094 on the date indicated below.

Christopher C. Drenth

Date of Signature

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: COOKE et al

Serial No.: 10/724,244

Filing Date: November 26, 2003

Title: PRETERMINATED FIBER OPTIC  
DISTRIBUTION CABLE

Group Art Unit: 2839

Examiner: LE, T.

VIA FACSIMILE: 571-273-2094  
Examiner: Thanh-Tam T. Le  
Pages: 4

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## INFORMAL RESPONSE TO NOTICE OF ABANDONMENT

Dear Sir:

In response to the Notice of Abandonment mailed April 10, 2006 and a teleconference with Examiner Lee conducted on April 13, 2006, Applicants submit the following proposed (informal) amendments to the specification for entry by Examiner's Amendment to place the application in condition for immediate allowance.

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SEP 06 2006

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify this correspondence, and any attachment thereto, is being transmitted to Group Art Unit 2839 of the United States Patent and Trademark Office, to the attention of Examiner Thanh-Tam T. Le, by facsimile transmission to 571-273-2094 on the date indicated below.

  
Christopher C. Dreemann

4/13/06  
Date of Signature

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: COOKE et al.

Serial No.: 10/724,244

Filing Date: November 26, 2003

Title: PRETERMINATED FIBER OPTIC  
DISTRIBUTION CABLE

)  
) Group Art Unit: 2839

)  
) Examiner: LE, T.

**VIA FACSIMILE: 571-273-2094**

**Examiner: Thanh-Tam T. Le**

**Pages: 4**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMAL RESPONSE TO NOTICE OF ABANDONMENT**

Dear Sir:

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COOKE et al.

10/724,244

Page 2

**Proposed amendments to the specification:**

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*Please substitute the following replacement paragraph for original paragraph [0022], the full text of which is reprinted below with markings to show all of the changes relative to the previous version:*

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Page 3

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COOKE et al.  
10/724,244  
Page 4REMARKS

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Respectfully submitted,



Christopher C. Dremann  
Attorney for Applicants  
Registration No. 36,504  
P.O. Box 489  
Hickory, NC 28603  
Telephone: 828/901-5904  
Facsimile: 828/901-5206

Dated: April 13, 2006

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## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Corning Cable Systems LLCApplication No./Patent No./Control No.: 11/025,507 Filed/Issue Date: 12/29/2004Entitled: Preterminated Fiber Optic Distribution CableCorning Cable Systems LLC

(Name of Assignee)

a Limited Liability Corporation

(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 04757, Frame 0916, or a true copy of the original assignment is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Timothy J. Aberle  
Signature

Timothy J. Aberle  
Printed or Typed Name

Assistant Secretary  
Title

9/6/06  
Date  
(828) 901-5354  
Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number:

21495

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number:

21495

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

Assignee Name and Address: Corning Cable Systems LLC  
P. O. Box 489  
800 17th Street NW  
Hickory, NC 28603-0489

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature	<i>Timothy J. Aberle</i>	Date	7-7-06
Name	Timothy J. Aberle	Telephone	(828) 901-5354
Title	Assistant Secretary		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.